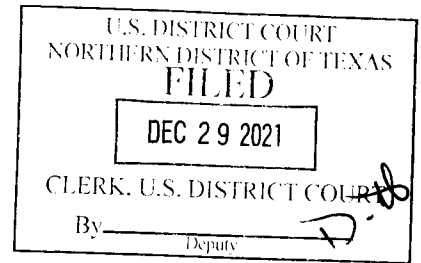


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JELANI MCNEAL,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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2:19-CV-225-Z-BR

ORDER

On December 3, 2021, the United States Magistrate Judge entered an amended findings, conclusions, and recommendation (“FCR”) to deny the Petition for a Writ of Habeas Corpus filed by the petitioner in this case (ECF No. 27). No objections to the amended FCR have been filed. After making an independent review of the pleadings, files, and records in this case, the Court **ORDERS** that the amended FCR of the Magistrate Judge is **ADOPTED**, and the Petition for a Writ of Habeas Corpus (ECF No. 3) is **DENIED**.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability because the petitioner has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Hernandez v. Thaler*, 630 F.3d 420, 424 (5th Cir. 2011).


The Court **ADOPTS** and **INCORPORATES** by reference the Magistrate Judge’s FCR filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural

ruling.” *Slack*, 529 U.S. at 484.

If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* on appeal.

SO ORDERED.

December 29, 2021.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE